

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

United States of America,

Case No.: 2:17-cr-00027-JAD-GWF

**Plaintiff**

V.

Tommy Simmons,

## Defendant

# **Order Denying Motion to Expunge Felony Record**

[ECF Nos. 11, 12, 17]

Tommy Simmons is under supervision in this district after his sentencing court transferred jurisdiction to this district for his three-year term of supervised release. Simmons is court to “Expunge/Seal or dismiss his prior” convictions “so that he can live the life of a citizen[] and grow into a full scale businessman without being held back for [his] past.”<sup>1</sup> This “to the 115th Congress H.R. 5043 – Fresh Start Act of 2017–2018 & 2019–2020” as the entity for such relief.<sup>2</sup>

Unfortunately for Simmons, the Fresh Start Act is not law. Though it was introduced in the House of Representatives, it has not become law.<sup>3</sup> Because Simmons has not identified any valid authority for the court to grant the relief he requests, I deny his motion without prejudice to Simmons's ability to refile this motion if the Fresh Start Act becomes law.

<sup>1</sup> ECF No. 12 at 3.

<sup>2</sup> *Id.* at 2.

<sup>3</sup> See <https://www.congress.gov/bill/115th-congress/house-bill/5043/actions?KWICView=false> (last visited 3/16/2020); <https://www.congress.gov/bill/116th-congress/house-bill/121/all-actions?overview=closed&KWICView=false> (last visited 3/16/2020).

1 Simmons also asks the court to appoint counsel “to represent [him] in expunging” his  
2 record. Because the court does not see a legal path to that relief at this time, the court does not  
3 find good cause to appoint counsel. Simmons’s motion to appoint counsel is therefore denied.

4 **IT IS THEREFORE ORDERED** that Simmons’s motion to appoint counsel **[ECF No.**  
5 **11]** is **DENIED**;

6 IT IS FURTHER ORDERED that the Motion to Expunge Felony Record **[ECF No. 12]**  
7 is **DENIED**;

8 IT IS FURTHER ORDERED that the Request for Status Update **[ECF No. 17]** is  
9 **DENIED** as moot because this order provides Simmons with the status of his pending motions.

10 Dated: March 16, 2020

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12 U.S. District Judge Jennifer A. Dorsey  
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